



STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT

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Testimony Opposing Raised Bill No. 106

AN ACT CONCERNING LEGISLATIVE OVERSIGHT AND APPROVAL FOR THE EXPENDITURE OF FEDERAL TRANSPORTATION INFRASTRUCTURE FUNDING

Senator Osten, Representative Walker, Senator Miner, Representative France, and distinguished members of the Appropriations Committee, thank you for the opportunity to offer testimony on Raised Bill No. 106, An Act Concerning Legislative Oversight and Approval for the Expenditure of Federal Transportation Infrastructure Funding. I am honored to be before you in my new role and look forward to speaking early and often with the committee leadership.

This bill would require legislative allocation of federal Infrastructure Investment and Jobs Act (IIJA) funds before they can be expended, similar to the approach employed for certain funds under the American Rescue Plan Act (ARPA), which required legislative allocation prior to expenditure. While we understand the intent of the legislature and agree in principle with the importance of oversight and transparency, the Administration is opposed to this bill on both constitutional and practical grounds.

Our state constitution assumes laws are enacted by the General Assembly by the passage of bills that are presented to the Governor for signature or veto. As drafted, this legislation requires the Secretary of the Office of Policy and Management to submit spending plans to the Appropriations and Transportation committees of the General Assembly. The committees then approve or modify the plans, essentially appropriating funds. This action by the committee is, in effect, the enactment of a law governing billions of dollars to be spent over several years. However, the process here involves committees, not the full General Assembly, and there is no presentment to the Governor for consideration after passage by the General Assembly, as provided in the constitution.

The process provided for in this bill turns the regular constitutional order on its head in two separate ways: one which undermines the authority of the General Assembly as a whole since only the named committees have a vote, and one which undermines the Executive, since there is no presentment to the Governor for signature or veto.

Our opposition on constitutional grounds notwithstanding, as a practical matter, this bill is unworkable for a several reasons.

First, ARPA was awarded to the state in bulk, with broad federal statutory and regulatory parameters regarding usage, and with a great deal of flexibility in the types of allowable activities, lending itself more to an allocation approach by the legislature. In contrast, much of IJJA funding is reauthorizations of existing, specific, and well-regulated programmatic funding, with relatively small add-ons to expand those existing programs. As such, IJJA funding is not amenable to legislative allocation.

Second, IJJA presents opportunities to apply for competitive grants, which do not lend themselves to allocation by the legislature. When applying for these competitive funds, applicants must provide programmatic detail about intended uses in advance, and satisfy any conditions or other federal requirements in order to be considered for an award. These conditions are typically published as part of a federal notice about a competitive funding opportunity, and typically would not be known far enough in advance for the legislature to approve an allocation prior to the state's application to the federal funding agency. As written, the bill turns the process on its head by assuming that funds are received first, with decisions about how to allocate the funds made later.

Third, the timeframes envisioned by the bill may result in missed opportunities to apply for competitive awards, or delays in expenditures that may affect compliance with federal grant conditions.

The Administration will share any information about funding opportunities, funds awarded to the state, and projects to be support with IJJA funds. In my new role, I am committed to establishing and maintaining open lines of communication with the committee leadership to facilitate answers to any questions you may have as we implement this important federal legislation.

The allocation approach envisioned under this bill is simply not workable. I respectfully request that the committee take no action on this bill.

Thank you for the opportunity to present this testimony.